

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/26/17
Date

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 303 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Phil Watson

Sen. Sen. Thompson
Sen. Sen. Thompson, Chair

Van Taylor

Larry Gonzales
Larry Gonzales

Robt Lee

Ina Minjarez
Richard Peña Raymoff

Sen. Sen.

Sen. Sen.

On the part of the Senate

John T. Smith
On the part of the House
John T. Smith

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 303

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Board of Law
Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 82.001(b), Government Code, is amended
to read as follows:

(b) The supreme court shall appoint the members of the board
for staggered six-year terms, with the terms of one-third of the
members expiring May ~~[August]~~ 31 of each odd-numbered year. A
member is subject to removal by the supreme court as provided by
Section 82.0021.

SECTION 2. Section 82.006, Government Code, is amended to
read as follows:

Sec. 82.006. SUNSET PROVISION. The Board of Law Examiners
is subject to Chapter 325 (Texas Sunset Act). Unless continued in
existence as provided by that chapter, the board is abolished
September 1, 2029 ~~[2017]~~.

SECTION 3. Section 82.0073, Government Code, is amended to
read as follows:

Sec. 82.0073. SEPARATION OF RESPONSIBILITIES; DELEGATION.
(a) The Board of Law Examiners shall develop and implement
policies that clearly separate the policymaking responsibilities
of the board and the management responsibilities of the executive
director and the staff of the board.

1 (b) Subject to supreme court rules, the Board of Law
2 Examiners may delegate routine decisions to the executive director
3 of the board, including waiver requests.

4 SECTION 4. Section 82.010, Government Code, is amended by
5 amending Subsection (b) and adding Subsection (c) to read as
6 follows:

7 (b) The training program must provide the person with
8 information regarding:

9 (1) the law governing board operations [~~legislation~~
10 ~~that created the board~~];

11 (2) the programs, functions, rules, and budget of
12 ~~[operated by]~~ the board;

13 (3) [~~the role and functions of the board,~~

14 [~~(4) the rules of the board, with an emphasis on the~~
15 ~~rules that relate to disciplinary and investigatory authority,~~

16 [~~(5) the current budget for the board,~~

17 [~~(6)~~] the results of the most recent formal audit of
18 the board;

19 (4) [~~(7)~~] the requirements of:

20 (A) laws relating to [~~the~~] open meetings, [~~law,~~
21 ~~Chapter 551,~~

22 [~~(B) the~~] public information, [~~law, Chapter 552,~~

23 [~~(C) the~~] administrative procedure, and
24 disclosing conflicts of interest [~~law, Chapter 2001~~]; and

25 (B) [~~(D)~~] other laws applicable to members of a
26 state policymaking body in performing their duties [~~relating to~~
27 ~~public officials, including conflict-of-interest laws~~]; and

1 (5) [~~(8)~~] any applicable ethics policies adopted by
2 the board or the Texas Ethics Commission.

3 (c) The executive director of the Board of Law Examiners
4 shall create a training manual that includes the information
5 required by Subsection (b). The executive director shall
6 distribute a copy of the training manual annually to each member of
7 the board. On receipt of the training manual, each member of the
8 board shall sign and submit to the executive director a statement
9 acknowledging receipt of the training manual.

10 SECTION 5. Section 82.022, Government Code, is amended by
11 adding Subsection (a-1) to read as follows:

12 (a-1) In adopting rules on eligibility for examination for a
13 license to practice law, the supreme court shall ensure that no rule
14 violates Chapter 110, Civil Practice and Remedies Code.

15 SECTION 6. Sections 82.023(b), (c), and (e), Government
16 Code, are amended to read as follows:

17 (b) The form for the declaration must clearly identify those
18 conditions of character and fitness [~~set out in Section 82.027~~]
19 that may be investigated by the board and that may result in the
20 denial of the declarant's application to take the examination.

21 (c) The board shall notify each first-year law student who
22 files the declaration not later than the date established by
23 supreme court rule [~~on or before January 1 of the year in which the~~
24 ~~student begins law school, not later than August 1 of the following~~
25 ~~year,~~] of the board's decision as to the student's acceptable
26 character and fitness. The board shall notify all other declarants
27 not later than the date established by supreme court rule [~~not later~~

1 ~~than the 270th day after the date the declaration was filed]~~ whether
2 or not it has determined that the declarant has acceptable
3 character and fitness.

4 (e) If the board determines that an applicant may suffer
5 from chemical dependency, the board shall require the applicant to
6 meet with representatives of the Lawyers' Assistance Program of the
7 State Bar of Texas or a similar program of the state bar and may
8 require the applicant to submit to ~~[a treatment facility for]~~
9 evaluation by a licensed mental health professional designated by
10 this board. The board may seek advice and consultation from the
11 Lawyers' Assistance Program of the State Bar of Texas or a similar
12 program of the state bar in designating mental health professionals
13 qualified to conduct evaluations of declarants who may suffer from
14 chemical dependency.

15 SECTION 7. Sections 82.027(a), (b), and (c), Government
16 Code, are amended to read as follows:

17 (a) Each applicant to take a bar examination must file an
18 application with the Board of Law Examiners not later than the date
19 established by supreme court rule and pay the fee established by
20 supreme court rule ~~[not later than the 180th day before the first~~
21 ~~day of the examination for which the person is applying].~~

22 (b) The application must include a statement certifying
23 ~~[consists of a verified affidavit stating]~~ that since the filing of
24 the applicant's original declaration of intention to study law, the
25 applicant:

26 (1) has not been formally charged with any violation
27 of law, excluding:

(A) cases that have been dismissed for reasons other than technical defects in the charging instrument;

(B) cases in which the applicant has been found not guilty;

(C) minor traffic violations;

(D) cases in which the record of arrest or conviction was expunged by court order;

(E) pardoned offenses; and

(F) Class C misdemeanors;

(2) ~~[is not mentally ill,~~

~~(3)]~~ has not been charged with fraud in any legal proceeding; and

(3) ~~(4)]~~ has not been involved in civil litigation or bankruptcy proceedings that reasonably bear on the applicant's fitness to practice law.

(c) On a showing of good cause or to prevent hardship, the board may permit an applicant to file an application with the board not later than the date established by supreme court rule ~~[not later than the 60th day after the deadline prescribed by Subsection (a)]~~ on payment of applicable late fees established by supreme court rule.

SECTION 8. Sections 82.030(a) and (c), Government Code, are amended to read as follows:

(a) The Board of Law Examiners shall assess each applicant's moral character and fitness based on:

(1) the investigation of character and fitness performed after the filing of the declaration of intention to study

1 law; and

2 (2) the filing of the application ~~[affidavit]~~ required
3 by Section 82.027 and the board's investigation into the accuracy
4 and completeness of the application ~~[affidavit]~~.

5 (c) If the board determines that an applicant may suffer
6 from chemical dependency, the board shall require the applicant to
7 submit to ~~[a treatment facility for]~~ evaluation by a licensed
8 mental health professional designated by the board. The board may
9 seek advice and consultation from the Lawyers' Assistance Program
10 of the State Bar of Texas or a similar program of the state bar in
11 designating mental health professionals qualified to conduct
12 evaluations of applicants who may suffer from chemical dependency.

13 SECTION 9. Section 82.033(d), Government Code, is amended
14 to read as follows:

15 (d) The supreme court may set reasonable fees for additional
16 services provided by the board, but the fee for any single
17 additional service, other than the late fee for an examination
18 application, may not exceed \$150.

19 SECTION 10. Subchapter B, Chapter 82, Government Code, is
20 amended by adding Section 82.039 to read as follows:

21 Sec. 82.039. LICENSING GUIDELINES. (a) To assist the
22 Board of Law Examiners in making consistent and fair determinations
23 related to the licensing of attorneys in this state, the board shall
24 develop specific guidelines for:

25 (1) determining the moral character and fitness of
26 license applicants;

27 (2) overseeing probationary license holders; and

1 (3) granting waiver requests.

2 (b) The Board of Law Examiners shall develop the guidelines
3 required under Subsection (a) based on the board's past decisions
4 and on any other criteria the board considers necessary. The board
5 is not required to take any specific action provided in the
6 guidelines.

7 SECTION 11. Sections 82.023(g) and 82.030(f), Government
8 Code, are repealed.

9 SECTION 12. Section 82.001, Government Code, as amended by
10 this Act, applies only to members appointed to the Board of Law
11 Examiners on or after September 1, 2017.

12 SECTION 13. (a) Except as provided by Subsection (b) of
13 this section, Section 82.010, Government Code, as amended by this
14 Act, applies to a member of the Board of Law Examiners appointed
15 before, on, or after the effective date of this Act.

16 (b) A member of the Board of Law Examiners who, before the
17 effective date of this Act, completed the training program required
18 by Section 82.010, Government Code, as that law existed before the
19 effective date of this Act, is required to complete additional
20 training only on subjects added by this Act to the training program
21 as required by Section 82.010, Government Code, as amended by this
22 Act. A board member described by this subsection may not vote,
23 deliberate, or be counted as a member in attendance at a meeting of
24 the board held on or after December 1, 2017, until the member
25 completes the additional training.

26 SECTION 14. As soon as practicable after the effective date
27 of this Act, the Texas Supreme Court shall modify the rules

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1 necessary to implement the changes in license application
2 requirements made under Section 82.027, Government Code, as amended
3 by this Act.

4 SECTION 15. Section 82.027, Government Code, as amended by
5 this Act, applies only to an application to take the state bar
6 examination that is submitted to the Board of Law Examiners on or
7 after September 1, 2017.

8 SECTION 16. This Act takes effect September 1, 2017.

Senate Bill 303
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 1. Section 82.001(b), Government Code, is amended.	SECTION 1. Same as Senate version.	SECTION 1. Same as Senate version.
SECTION 2. Section 82.006, Government Code, is amended.	SECTION 2. Same as Senate version.	SECTION 2. Same as Senate version.
SECTION 3. Section 82.0073, Government Code, is amended.	SECTION 3. Same as Senate version.	SECTION 3. Same as Senate version.
SECTION 4. Section 82.010, Government Code, is amended.	SECTION 4. Same as Senate version.	SECTION 4. Same as Senate version.
<i>No equivalent provision.</i>	SECTION __. Section 82.022, Government Code, is amended by adding Subsection (a-1) to read as follows: [FA1] <u>(a-1) In adopting rules on eligibility for examination for a license to practice law, the supreme court shall ensure that no rule <i>substantially and adversely affects a person's admission to the practice of law on the basis of a person's sincerely held religious belief.</i></u> [FA1,FA2]	SECTION 5. Section 82.022, Government Code, is amended by adding Subsection (a-1) to read as follows: <u>(a-1) In adopting rules on eligibility for examination for a license to practice law, the supreme court shall ensure that no rule <i>violates Chapter 110, Civil Practice and Remedies Code.</i></u>
SECTION 5. Sections 82.023(b), (c), and (e), Government Code, are amended.	SECTION 5. Same as Senate version.	SECTION 6. Same as Senate version.
SECTION 6. Sections 82.027(a), (b), and (c), Government Code, are amended.	SECTION 6. Same as Senate version.	SECTION 7. Same as Senate version.

Senate Bill 303
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 7. Sections 82.030(a) and (c), Government Code, are amended.	SECTION 7. Same as Senate version.	SECTION 8. Same as Senate version.
SECTION 8. Section 82.033(d), Government Code, is amended.	SECTION 8. Same as Senate version.	SECTION 9. Same as Senate version.
SECTION 9. Subchapter B, Chapter 82, Government Code, is amended.	SECTION 9. Same as Senate version.	SECTION 10. Same as Senate version.
SECTION 10. Sections 82.023(g) and 82.030(f), Government Code, are repealed.	SECTION 10. Same as Senate version.	SECTION 11. Same as Senate version.
SECTION 11. Saving provision.	SECTION 11. Same as Senate version.	SECTION 12. Same as Senate version.
SECTION 12. Transition provision.	SECTION 12. Same as Senate version.	SECTION 13. Same as Senate version.
SECTION 13. Transition provision.	SECTION 13. Same as Senate version.	SECTION 14. Same as Senate version.
SECTION 14. Saving provision.	SECTION 14. Same as Senate version.	SECTION 15. Same as Senate version.

Senate Bill 303
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

SECTION 15. This Act takes effect September 1, 2017.

SECTION 15. Same as Senate version.

SECTION 16. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 27, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB303 by Watson (Relating to the continuation and functions of the Board of Law Examiners.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to extend the Board of Law Examiner's expiration date to September 1, 2029. The bill would allow the board to delegate routine decisions to the executive director and expand the training required of board members. The bill would allow the Supreme Court to establish fees and timelines governing the declaration of intention to study law and the bar examination application. Based on the analysis of the Office of Court Administration and the Sunset Advisory Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 212 Office of Court Administration,
Texas Judicial Council

LBB Staff: UP, AG, MW, GDz, LBO

Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on SB 303 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Seunomia Thompson

(name)

17R337(3)

May 26, 2017

(date)